



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,244	05/01/2001	Melissa D. Beebe	M-9898 US	9206
33438	7590	06/28/2004	EXAMINER	
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720				GORT, ELAINE L
		ART UNIT		PAPER NUMBER
		3627		

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

50

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/847,244	BEEBE ET AL.	
	Examiner Elaine Gort	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 April 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Noori.

Noori discloses the claimed method for scheduling work and delivery of material for mass producing items in a factory. Noori discloses establishing work schedules and material delivery schedules (such as detailed in chapters 15-18) based on items ordered and the current state of available inventory along with using a method that integrates material sources (such as the manufacturer's suppliers).

### ***Response to Arguments***

3. Applicant's arguments filed 4/23/04 have been fully considered but they are not persuasive.

Applicant has argued that Noori does not teach or suggest a method for scheduling work and delivery of material for mass-producing items in a factory where such a method includes obtaining at least one outstanding customer

Art Unit: 3627

order, determining a current state of an available inventory of at least one material from a plurality of material sources, and periodically generating a work schedule and a material delivery schedule for producing the item using the at least one outstanding customer order and the current state of the available inventory.

Examiner contends that Noori does teach or suggest a method for scheduling work and delivery of material for mass-producing items in a factory (Noori discusses scheduling of work and delivery in chapters 15-18) where such a method includes obtaining at least one outstanding customer order (Noori discusses the obtaining of orders many times throughout these chapters and how the orders create a pull system to meet customer orders, for example see page 524 regarding just-in-time operations, page 526 discusses a final assembly schedule based on customer orders, other examples include GE's Direct Connect system discussed on page 423 and the example illustrated in exhibit 16.5); determining a current state of an available inventory of at least one material from a plurality of material sources (Noori discussed inventory tracking systems throughout these chapters and the inventory levels of particular items must be tracked and a close relationship with suppliers is essential, such as determining how many appliances GE has in stock in its virtual inventory to determine if one needs to be manufactured and if so added to the workschedule, such as determining how many hamburgers are available at the table, on the grill and/or uncooked in the exhibit 16.5 in order to determine the work schedule for making more burgers to meet demand); and periodically generating a work

schedule and a material delivery schedule for producing the item using the at least one outstanding customer order and the current state of the available inventory (Noori discusses the generation of work schedules and material delivery schedules in response to demand requirements throughout these chapters, for example see chapter 17 regarding shop floor management which discussed developing plans to satisfy demand, beginning on page 549, see also exhibit 16.5 in regard to the generation of a work schedule with delivery schedules for producing more hamburgers and plates for delivery to guests).

Applicant further argues that Noorie does not teach or suggest a method in which each outstanding customer of the at least one outstanding customer order includes an item ordered by a customer, and producing the item requires a required quantity of a required material, the determining the current state of the available inventory is performed such that the determining the current state of the available inventory is completed immediately prior to the generating the work schedule and the material delivery schedule, and the obtaining the at least one outstanding customer order is performed such that the obtaining the customer order is completed immediately prior to the generating the work schedule and the material delivery schedule.

Examiner contends that Noorie does teach or suggest a method in which each outstanding customer order of the at least one outstanding customer order includes an item ordered by a customer (such as the appliance ordered or hamburger requested), and

producing the item requires a required quantity of a required material (eg appliances require specific materials as do hamburgers), the determining the current state of the available inventory is performed such that the determining the current state of the available inventory is completed immediately prior to the generating the work schedule and the material delivery schedule the generation of work scheduling and delivery schedules (such as the work schedule and material delivery schedule are completed after the GE system checks availability and establishes the work schedule and delivery schedule, likewise in the hamburger illustration where the inventory is determined before the team decides to produce more hamburgers for an expected delivery time when a request is made by a guest), and the obtaining the at least one outstanding customer order is performed such that the obtaining the customer order is completed immediately prior to the generating the work schedule and the material delivery schedule (such as when the just-in-time system only responds when orders or demand requires it, e.g. GE generates a work schedule to produce an appliance after one is ordered, hamburgers are cooked after guests request or take them).

### ***Conclusion***

4. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly,

Art Unit: 3627

**THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)872-9327.

Art Unit: 3627

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



EG

June 23, 2004



6/23/04

ROBERT P. OLSZEWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600